

Appl. No. 10/788,758

Amdt. Dated May 22, 2006

Reply to Office Action of March 6, 2006

REMARKS

This is a full and timely response to the non-final Office action mailed March 6, 2006. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-20 are pending in this application, with Claims 1, 9, and 14 being the independent claims. Claims 1, 9, and 14 have been amended, and Claims 7 and 19 have been cancelled. Applicants thank the Examiner for finding allowable subject matter in Claims 7 and 17-19. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 8-16, and 20 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 3,610,047 ("List") in view of U.S. Patent Appn. 2004/047776 ("Thomsen"). This rejection is respectfully traversed.

Claim 1, which relates to an apparatus for collecting a semivolatile air sample, has been amended to incorporate the allowable subject matter of claim 7, and now recites, *inter alia*, an overflow escape. Similarly, claim 9 has also been amended and now recites an overflow escape. Claim 14 has also been amended and now recites the allowable subject matter of claim 19, namely, allowing air to escape from the interior of the collection bag through an overflow escape.

List teaches a waste gas sampler that includes a bag attached to a pipe connection, and Thomsen mentions a connection by a soft duct to HVAC units. However, as alluded to in the Office action, neither List nor Thomsen mentions an overflow escape or the step of allowing air to escape from the interior of a bag through an overflow escape. Accordingly, as the references do not teach or suggest all the claim limitations, the Applicants respectfully request withdrawal of the § 103 rejection.

Conclusion

Based on the above, independent Claims 1-20 are patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above

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with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

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By: 

Cindy H. Kwabala
Reg. No. 47,667
(480) 385-5060